

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

TIMOTHY ASHWORTH,

Plaintiff,

v.

STEVE MUMBOWER, DON JONES, WEST)
CITY ILLINOIS, FRANKILN COUNTY)
ILLINOIS, and CATHY WILSON,

Defendants.

Case No. 3:15-cv-182-NJR-DGW

ORDER

WILKERSON, Magistrate Judge:

Now pending before the Court is the Motion to Substitute Party filed by Plaintiff, Timothy Ashworth, on August 17, 2016 (Doc. 33). The Motion is **DENIED AS MOOT**.

Plaintiff named Bill Wilson in his original Complaint. Mr. Wilson, however, died on October 30, 2013, *prior to the filing of the original complaint in this matter*.¹ Accordingly, Plaintiff need not substitute a party pursuant to Federal Rule of Civil Procedure 25 (or state law, for that matter). Rather, Plaintiff correctly filed a Second Amended Complaint naming Cathy Wilson, as the personal representative of Bill Wilson, on December 22, 2015 (Doc. 46).

All that remains, then, is for Mrs. Wilson to be served. Plaintiff requests that the United States Marshal be appointed for service of process, which is required by Rule 4(c)(3) because Plaintiff is proceeding *in forma pauperis*. Plaintiff has not, however, disclosed Mrs. Wilson's address for service of process. Plaintiff shall provide such information to the Court forthwith. To the extent that Defendants (or their attorney) are privy to such information, they may provide Plaintiff with the information. **Such information shall only be used to effect service of process**

¹ While Plaintiff's claims were a part of a previous suit filed in this Court, Case No. 3:12-cv-879, on August 7, 2012, that suit was dismissed without prejudice in May 2014 (Doc. 18, p. 3).

and should not be disclosed to any other person, including Plaintiff (who is incarcerated), himself. Plaintiff, through his attorney, shall provide the information to the Court via e-mail and shall docket a notice indicating that the information has been submitted to the Court. Thereafter, service of process will be effected.

IT IS SO ORDERED.

DATED: February 22, 2016



DONALD G. WILKERSON
United States Magistrate Judge